

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Magistrate Docket No.

Plaintiff,

2008 JAN 208 MJ 01 85  
CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

v.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

Jesus VELASQUEZ-Hernandez,  
A.k.a. Pablo INFANTE-NavaretteDeported Alien Found in the  
United States

Defendant

The undersigned complainant, being duly sworn, states:

On or about **January 18, 2008** within the Southern District of California, defendant, **Jesus VELASQUEZ-Hernandez, a.k.a. Pablo INFANTE-Navarette** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 SIGNATURE OF COMPLAINANT  
 James Trombley  
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22<sup>nd</sup> DAY OF January 2008

  
 Jan McAdler  
 UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**

Jesus VELASQUEZ-Hernandez  
A.k.a. Pablo INFANTE-Navarette

**PROBABLE CAUSE STATEMENT**

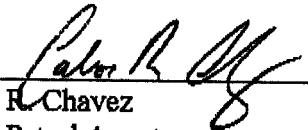
I declare under the penalty of perjury that the following statement is true and correct:

On January 18, 2008, Border Patrol Agent C. Mackes was assigned to the Imperial Beach area of operations. At approximately 11:30 a.m., the infrared scope operator advised Agent Mackes via service radio of one individual near an area commonly known as the "Old Monument road". This area is approximately two miles west of the San Ysidro, California, Port of Entry and about 75 yards north of the United States/Mexico international border. Agent Mackes responded to the area, and after a brief search found an individual walking down a dirt path south of "Old Monument road". Due to the proximity to the border fence and the frequent illegal alien activity in the area, Agent Mackes identified himself as a Border Patrol Agent to the subject and questioned him as to his citizenship and immigration status. The individual later identified as the defendant Jesus VELASQUEZ-Hernandez, a.k.a Pablo INFANTE-Navarette freely admitted to being a citizen and national of Mexico illegally present in the United States. At approximately 11:45 a.m., Agent Mackes arrested the defendant and had him transported to the Imperial Beach Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on August 24, 2006 through El Paso, Texas. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

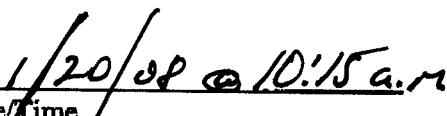
The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on January 20, 2008 at 10:00 a.m.

  
\_\_\_\_\_  
Carlos R. Chavez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on January 18, 2008, in violation of Title 8, United States Code, Section 1326.

  
\_\_\_\_\_  
J.M. Adler  
United States Magistrate Judge

  
\_\_\_\_\_  
Date/Time